

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
DOTHAN DIVISION

CHARLES W. CLACKLEY, JR.,

Plaintiff,

v.

UNITED STATES OF AMERICA  
(U. S. Military Sealift Command), and  
AMERICAN OVERSEAS MARINE CORP.

Defendants.

\* CIVIL ACTION NO:  
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\* 1:07-cv-646-MEF  
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REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed.R.Civ.P.26(f), a meeting was held on October 1, 2007, at the office of counsel and was attended by:  
  
Ross Diamond III, for Plaintiff, Charles W. Clackley, Jr.  
Thomas S. Rue, for Defendants, United States of America and American Overseas Marine Corp.
2. Initial Disclosures. The parties will exchange by October 20, 2007, the information required by Fed.R.Civ.P.26(a)(1).
3. Discovery Plan. The parties jointly propose to the court the following discovery plan:

Discovery will be needed on the following subjects:

The facts involved in the accidents and injuries sustained by the Plaintiff; the causes of the accidents which are the basis of this suit; the identity of other potential parties to this action; the extent of injuries, medical treatment, earnings loss and other damages sustained by the Plaintiff as a result of each injury; any affirmative defenses asserted by the Defendant.

All discovery commenced in time to be completed by July 1, 2008. The majority of the witnesses are seamen currently working on cargo vessels, and who are out of the country for 4 to 6 months at a time.

**Discovery Limits:**

Maximum of forty (40) interrogatories by each party to any other party, with responses due thirty (30) days after service.

Maximum of forty (40) requests for admission by any party to any other party, with responses due thirty (30) days after service.

Maximum of twenty (20) depositions by Plaintiff and twenty (20) depositions by the Defendant. Each deposition limited to maximum of three (3) hours unless extended by agreement of parties.

Maximum of forty (40) requests for production of documents by each party to any other party. Responses due thirty (30) days after the service.

Reports from retained experts under the Rule 26(a)(2) due:  
from Plaintiff by May 1, 2008.  
from Defendant by June 1, 2008.

Supplementations under Rule 26(e) shall be due within 15 days of the receipt of new information or documents.

**4. Other Items.**

The parties request a conference with the Court before the entry of the scheduling order.

The parties request until February 15, 2008, to join additional parties and amend the pleadings.

All potentially dispositive motions filed by May 1, 2008.

Settlement cannot be evaluated prior to completion of discovery, and may be enhanced by use of the following alternative dispute resolution procedure:  
Mediation

Pretrial Disclosures: Final lists of witnesses and exhibits under Rule 26(a)(3) should be due  
From Plaintiff by August 1, 2008  
From Defendants by August 15, 2008

Parties shall have 21 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

This non-jury action should be ready for trial by October, 2008, and at this time is expected to take approximately 3-4 days for trial.

Other matters: None

**s/Ross Diamond III**

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Of Counsel to the United States

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\*This document filed with the consent of Mr. Rue